

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This document relates to:**

*Track Three Cases*

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**DECLARATION IN SUPPORT OF REPLY MEMORANDUM IN FURTHER SUPPORT  
OF CERTAIN DEFENDANTS' DAUBERT MOTION TO EXCLUDE THE OPINIONS  
OFFERED BY JAMES RAFALSKI**

Pursuant to 28 U.S.C. § 1746, I, Brian C. Hill, hereby declare as follows:

1. I am a partner at the office of Marcus & Shapira LLP, counsel for Giant Eagle, Inc. ("Giant Eagle") in the above-captioned action.

2. I submit this Declaration on behalf of Defendants Giant Eagle, Inc. and HBC Service Company, and Walmart Inc. ("Moving Defendants") in support of Reply Memorandum in Further Support of Certain Defendants' *Daubert* Motion to Exclude the Opinions Offered by James Rafalski and for the purpose of transmitting to the Court true and correct copies of the documents attached hereto.

3. The table below reflects the documents attached to Reply Memorandum in Further Support of Certain Defendants' *Daubert* Motion to Exclude the Opinions Offered by James Rafalski, and each listed document is a true and correct copy thereof.

| <b>Exhibit</b> | <b>Description</b>  |
|----------------|---|
| 1              | James Rafalski 4/16/2021 Expert Report Excerpts   |
| 2              | <i>Sardis v. Overhead Door Corp.</i> , No. 20-1411 (4 <sup>th</sup> Cir. Aug. 20, 2021) Opinion and Attachment Excerpts: Advisory Committee Materials |

I have read the above declaration and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: August 27, 2021

Respectfully submitted,

/s/ *Brian C. Hill*

Brian C. Hill